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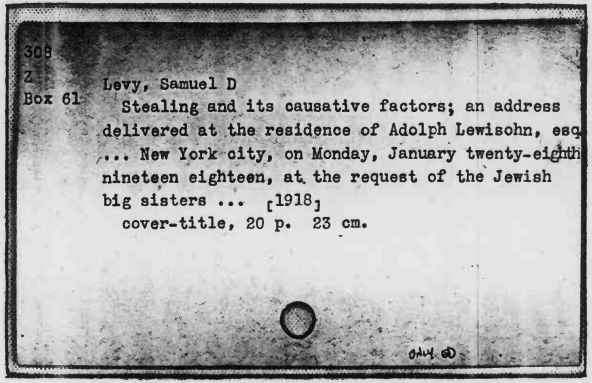
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Stealing
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AN ADDRESS

Delivered at the Residence of Adolph Lewisohn, Esq., 881 Fifth Avenue, New York City, on Monday, January Twenty-eighth, Nineteen eighteen, at the request of the Jewish Big Sisters

By

Hon. SAMUEL D. LEVY

Associate Justice, Children's Court of the City of New York

Feb. 1, 1919 RETT

Stealing and its Causative Factors

I am addressing (to-night) big sisters and big brothers and other fraternities of volunteer workers who are indispensable in child up-lift and child welfare activities, and I am going to talk on the specific and concrete fact of a certain form of anti-social misbehavior, termed "stealing," and endeavor presently to give you the causative factors which result in this violation of the law.

Up to a very recent period, we were guilty of the grossest neglect of the child and were satisfied to let things drift regardless of the fact that the child was more important to the Commonwealth than the adult. However, during the past fifteen years or thereabouts, a change has come about, so that to-day, a considerable interest is displayed on behalf of child welfare. I believe there is now an awakening of the public conscience to a realization that the fundamental problems of child life affect us all. But we must not be satisfied with present progress. There are oceans of room for improvement and I will, after I have disposed of the subject of my talk, endeavor to indicate some remedial and rational suggestions which I hope will be considered constructively progressive, or progressively constructive.

We should remember that it costs America more than one million dollars a day to defray the expenses and to maintain, its criminal and penal institutions; hence *any* phase of criminality is both important and interesting, and becomes the more so, when we are to consider the incipient phases of delinquency exhibited in the children of the land. And in considering the acts of juvenile delinquency, none are more interesting to the student, the scientific social worker, the specialist in child study or the Judges of the Juvenile Courts, than the subject of stealing, not so much the act *per se*, as the causative factors which resulted in the act.

In very many cases stealing is an act antedating a criminal life; it is an act that follows upon truancy and similar or other evidences of instability and unless we can nip it in the bud, stealing will be the forerunner of many acts of criminality much more serious, and bring the actor to a point where therapy is of no avail.

It is incumbent upon us, and that is the whole scheme of juvenile courts, to so proceed that while the child is in its formative period, flexible and pliable in ways and manners, thoughts, habits and action, its crooked or oblique tendency shall be given the proper twist so as to straighten it out, and the court be a preventive as well as corrective and constructive medium not only towards its reformation and redemption, but also in order to prevent a repetition of the act, or the doing of other acts of delinquency or waywardness in future.

By far, the acts of delinquency greatest numerically is stealing. How best to approach that subject, I believe, is through a scientific knowledge of it, plus the invocation of good common sense. Scientific knowledge is a *sine qua non*, for science stands for causes, if it stands for anything. We Judges should know enough of the subject to know the all-important thing—how to make correct diagnoses. In order to do this the Judge should have a considerable knowledge of biology, psychology, (theoretical and practical) pathology, physiology, have a keen insight into human nature, be a humanitarian, in sympathy with unfortunates, a lover of his fellow-being and broad and tolerant in thought and action. If these elements are combined, his failures in diagnoses should be negligible. From such a Judge fairly correct prognosis may be expected.

Diagnosis, however, must necessarily come before therapy. Once get the facts on which the background is built,—the act will lie before you like an open book—and treatment is easy. It is my duty as one of the Associate Justices of the Children's Court to study in each case, as far as it is humanly possible to study, and to discover if possible, the factors that make for acts of delinquency, and to properly, accurately and effectively evaluate such factors, and to measure them to the case in hand, in order that the most constructive thought on the subject should be brought into play, and the child, if possible, reformed, redeemed, rehabilitated, re-educated and wherever possible cured, of his oblique bent or predilection. We Judges are primarily students of personality and individuality and it is incumbent on us to so probe into these backgrounds, using all the instrumentalities and facilities at our command, that we may know all about the background of the child,—the etiological facts, or genesis—its prior and present inner mental life, and external experiences, to the end that the problem presented may be effectively, effectually, confidently and if it be possible, successfully handled.

In order to make correct findings and diagnoses, the Judge has at his command the complaint which alleges the act of delinquency, which to-night we will assume is "*Stealing.*" Now, stealing may take the form of burglary, grand larceny, petty larceny, till-tapping, pick-pocketing or jostling, larceny by trick or device, forgery and the like.

In order to commit and be guilty of the act under the law, a child should have what may be generically called a normal mind,—otherwise there may be no criminal intent,—or, a sense of right or wrong,—even though it be a crude sense, its act can be admeasured. In other words, to find a child guilty of the offense charged, he must have sufficient mentality to know the difference between right and wrong, and the effect of his act. Now to understand our attitude, we look to the proximate cause rather than to the act itself, as the latter is the result or consequence. In other words, we look for derivatives, for the genesis or etiological history and facts, plus environment, associations, natal and prenatal influences, heritage, social conditions, etc.

Having read the complaint, we want to know *why* did the child commit the act charged,—that is the question primarily to be answered. Let me explain that thought in another way. A little girl 11 years of age "lifts" a vanity bag from a counter in a department store; the fact that she took it and is detected, brings her into court; the child admits her guilt; we want to know "why" she took it; the Judge orders a psychopathic examination; she is remanded for a week to the care of that excellent institution, the Society for Prevention of Cruelty to Children, in order that she may be examined by the psychiatrist in the clinic attached to the Court. The Probation Department is invoked to ascertain various histories surrounding the child's life; the Big Sisters are brought in to make a social investigation and more especially because they secure, to a large extent, the confidence of the child, and consequently its innermost confessions. The psychiatrist takes the child in hand, and spends hours over it in various mental tests. When the week comes round we have information touching the mental, social, economic, educational, physical, religious and material conditions, as well as associations and environment, all this in order to make a proper classification. You must appreciate that all mental, physical and material classification is in a sense social classification. Having obtained the child's history, its school record, its church record, home record, street record, play record, its neighborhood or community record, we are ready to make diagnosis. The result of the concrete study of the child, based upon all these histories, ascertained in the manner that I have indicated, is to the Judge what the X-Ray is to the surgeon or physician. It places in his possession those vital facts that permit him to make correct diagnoses.

I will not attempt to give you all the history as disclosed in the case, just roughly indicated, but will give you such parts of it as are germane to my paper to-night:

Mary Jane is 11½ years old; she has both parents living; her father works as a truck driver; her mother in a factory; their combined income is $20—$14 and $6 respectively. The rent is $16 per month for four rooms. Mary Jane's breakfast is prepared by her mother but the noon-day luncheon she prepares herself. She is an only child; no supervision in the home after 7 o'clock A. M. and Mary is permitted to go on the street with any girl, and anywhere; all she must do, however, is to be at home at 6:30 when the mother returns from work, when they both prepare the principal meal of the day. Mary does all the marketing. Mary has always appeared to be a good girl, has given no trouble, is kind and gentle, but easily influenced and has what is known as "instabilities." Her conduct in school is B, and effort C. She is in 2-A. Her teacher speaks well of her, that is, she says Mary tries to study and remember, but her mentality is not good; while not feebleminded, she has an intelligence quotient of .68. She had formed the acquaintance of a cheerful and happy-dispositioned Italian child, named Cochetta, aged about 13 years, the child of a very poor family in the neighborhood, who had put some new thoughts into Mary's head. One of them is that

you can get things easy in department stores if you are "smart," and she told Mary where and how she had lifted a pocketbook, a bottle of cologne and a bracelet, and exhibited these things that delighted the childish fancy of our Mary Jane. She took Mary Jane one day to a store and there Cochetta lifted a string of beads and a lace collar. It was so very easy! Besides it was so novel and exciting! So Mary tried her hand at it the following day and was caught in the act,—*flagrante delicto*,—and with the goods!

Upon report of the Big Sister and Probation Officer, we found that Mary's home was a poor one, clean but poverty stricken. She went irregularly to church, and the family history was not good on the physical or mental sides or from the standpoint of religion. The psychopathic clinical report shows that Mary, while not feeble-minded, is as indicated above. Her retardation is due probably to heritage; her mother has a poor mentality and her father had little or no education, worked since he was 11 years old. The neighborhood conditions were poor and congested; the children Mary associated with were not the kind that help to build up Mary or any girl of Mary's type,—on the contrary—and Mary was permitted by her mother to be out until 10 o'clock at night, her mother seeing nothing improper in that. Both the parents were too tired at night to give the child any proper upbringing or supervision and neither gave nor received their only little girl's confidences.

The only big, bright spot in the child's life began when the fine Big Sister, like a heavenly vision, spread her sheltering wings about this child and clasped it to her heart, and by good counsel and advice and friendly admonition, placed this child's feet firmly on the straight road. With the great help given by the Big Sister, the child quickly underwent great improvement, responding with alacrity to kindly sympathy and never again came back to the Court because of any misbehavior.

Taking cases as they come, we find from the report of the psychopathic clinic, an immense amount of mental disturbances at the background of stealing, and similar delinquencies. Such disturbances often form an attitude of mind showing itself as a grudge, or hopelessness, or as a tendency to seek relief in misconduct, or as misdirected play, all directly leading, however, to a delinquent career.

The curative effects of the application of the psycho-analytic method to the study of offenders, result in successful demonstration. No matter what amount of time and effort is put into the case, the final result warrants it. This procedure, frequently brings out causal facts, that permits the psychiatrist and psychologist to make correct diagnoses, for virile facts not otherwise known and which in all probability would not otherwise have been discovered are unearthed.

Children's troubles are not barren facts—they are problems, serious problems, and problems that we must get to the core and marrow of, if we want to know and interpret their true meaning; otherwise we will commit the error so common to the laity, of treating the facts superficially. One must also have a knowledge of growth

processes, which is most important to fully comprehend the present condition of a delinquent. It must not be forgotten that the present or immediate condition of a delinquent is the result of everything that preceded that condition.

Remember that the result of our scientific knowledge leads to a scientific diagnosis and scientific diagnosis shows us that in innumerable cases the parent is to blame rather than the child, so much so that if we Judges of the Children's Court had the power, we would frequently hold as chargeable for the act of delinquency committed by the child, one or other of the parents and sometimes both, each or both being proximately guilty of contributory delinquency and should be either committed or fined as ***particeps criminis***.

Take the case of a little girl 11 years of age, whom I committed for stealing. She ran errands for two or three Italians who lived in a cellar, and carried on a coal and ice business. From there she was occasionally sent by them to a neighboring saloon for beer. After a short while, she occasionally drank small quantities of beer with them. Then these Italians caressed the child, and followed it up with more marked familiarities. As a result the child became wayward committing divers petty acts of stealing, which latter brought her into Court. The child, so tender in years, mentally below normal—and it should not be said unkindly,—began to like the things she saw and heard and did in that cellar, and spoke of her sex experiences and her stealing to the Judge in so naive a way, with such simplicity of manner as to make a most profound impression upon every one who heard her. It was evident that the dreadful sex experiences, plus her pilfering, which covered a considerable period, could only be handled by a disciplinary institution to which she was sent. The parents knew of this child going into the cellar inhabited by the Italians, knew that the child was carrying beer from saloons to cellar, but the mother was perfectly indifferent; in her indifference she was running a great chance. Time and time again the mother should not only have warned her little child, but she should have made every possible endeavor to prevent the child from going into the cellar, but the fear, neither of its acts nor the consequences of them, nor the fear of the Lord, was in her heart. This mother went along the lines of least resistance and was satisfied that she was not bothered; there are too many mothers like that; they permit things to come and go, indifferent as to consequences, and then hold up their hands in horror when an act irretrievable in its nature results in the undoing of their child.

In view of the multifarious factors, owing to complexity of divers environmental conditions, no hard and fast rule can be set for anti-social acts. Still after seeing thousands of cases of children either charged with misconduct, such as stealing and the like, receiving the histories and data afforded us by the Big Sisters, and other social activities and the clinic, we are able by way of logical deduction and inference, from facts stated as well as by implication and elimination, to pass a judgment which in all probability is 90 per cent

correct. The psychiatrist, the social historian and the psychologist will increase the percentage and give us more and more the true primary factors of anti-social acts and misbehavior.

It is impossible to say that because the child X stole from its parent, the child X Y, who also stole from its parent, is precisely in the same class with X. This cannot be said nor done in any act of delinquency. We must obtain the facts which make up the background for the specific act, and array the genetive facts the causes for this misconduct and then determine the act. We cannot take cases as if they all came from one mould, as in no one single case are the factors quite the same.

Children show the strangest mixture of idealism and misbehavior. The angelic and the inconceivably perverse are entangled in their ways. The *key* to influence with them, is the power to enlist their imagination and their wills in some activity. They are great workers; they have to be, to accomplish the herculean task of fitting themselves to environment, of learning language, and the control of their bodies, eating, dressing, and the rest of the complex routine that is more or less instinctive with adults.

The delinquent is to be considered a living result; he is a process of growth, a product of dynamics or forces; he is the sum total of his constituent parts,—once analyze the constituent parts and you will be able to correctly diagnose the subject and his ailment.

While delinquents are not necessarily abnormal, many are, and many more subnormal, many mentally affected, and others physically. We cannot state the exact proportion or ratio.

There is a physical basis for the beginning and often the continuation of delinquency in children. It is not always easy to determine the physical cause, as the work is still in its infancy, but that it is a cause and at times a preponderating one I feel quite sure. Take children with defective teeth, or aching teeth, or impacted teeth—these conditions produce irritation through the digestive apparatus, primarily through the intestinal tract, and in poor nutrition; all this blocks effort and the child passes through the various stages of irritability, instability, incorrigibility, untruthfulness and delinquency. Genito-urinary troubles, trachoma, conjunctivitis, ringworm, poor eyesight, bad tonsils, adenoids, mastoids, poor nourishment, intestinal troubles, running ears, and many other physical troubles result in the same way, as the sensory impulses from physical irritation arising from within the body are so strong as to interfere with the development of the will,—the basis of character.

I have known of very many cases where feeble-mindedness of parents, or epileptic or aberrational or defective mentalities, of parents or of other members of the family has been the *cause* in some way and to some extent of juvenile delinquency. There can be no doubt that it is socially dangerous to have a child constantly associate with an adult mental abnorm.

While poverty may not be a *main* factor, it is a factor that must be greatly reckoned with. Rarely is stealing resorted to

because poor children are hungry; it is resorted to because poor children crave things and lack proper upbringing. The difficulty with poor children is often more because the home conditions and environment lack sufficient healthy mental interests, too little play and playthings, too few books or books of the right sort to interest a child; but too often, the wrong kind of books that leave volatile impressions, the child mind is excited, and incited in a wrong direction, *i. e.*, pirate stories, stories of dare-devil doings, etc. The streets and street children, therefore, attract in greater measure the poor children, and stealing is, therefore, very frequently, for those reasons,—to which should be added love of adventure and unsatisfied craving for excitement—indulged in.

Poverty frequently prevents normal control and companionship, and even discipline, *i. e.*, father dead, or worse,—a drunkard—or separated from his wife, or out of employment, and only mother the breadwinner, who works all day—the child is, therefore, without supervision and lacks parental guidance and control with the usual result. In such cases poverty is often causative factor tending toward delinquency—or rather poor home conditions that result disastrously.

Lack of parental companionship and guidance and supervision, is one of the main causes of juvenile delinquency in all classes of society. This is demonstrated positively and beyond peradventure by the very large number of cases of stealing, which have been proven to be due to improper guardianship and lack of parental supervision. Therefore, parents and guardians who are indifferent, or who fail to carefully and completely supervise their children or wards, are in a measure guilty of contributary delinquency and the law should be so framed as to reach them. While it is true that almost all thievery is done outside of the presence of parents and guardians still if children were properly supervised, disciplined and reared, it is fair to say that stealing would be lessened to a nominal or negligible minimum.

Lack of parental control gives the opportunity if not the impetus for cultivating bad companionship, and failure to have proper recreational opportunities, the possible development of many forms of bad mental content. Both the negative and positive phases of a child's mental life and conduct are impaired without parental care.

I shall now speak of abnormal mentalities and include therein those deficiencies in mental power and those aberrational types of mental functioning that appear in some humans as partial causes of delinquency, *i. e.*, stealing. By abnormal, I also include all undesirable derivations from the normal, *i. e.*, psychoses.

Concerning stealing, by a defective, it should be perfectly clear, that opportunities afforded and experiences passed through have even more to do with the commitment of the offense by it, than is the case of a normal individual, who possesses more initiative, and makes to a greater extent his own opportunities.

I find that defectives brought up in a home where moral teachings are strictly pursued are moral most frequently, and that where

there has been strict discipline which inculcated habits of honesty, that even defectives have absorbed its teachings, and although they may break out in some other form, still the constant teachings and incessant vigilance bears its fruit.

Prominent among the differences in mental abilities is the quality called "suggestibility." Suggestibility when possessed in high degree is a mental trait that leads with great frequency to such delinquencies as stealing. Much looseness as to ethical standards in the home, result in stealing. Children who are not defectives, when reared in such homes, frequently steal.

The general treatment of mentally defective children from their earliest years ought to include inculcating a thorough realization of social obligation; good associates are all important, together with careful, thorough and competent supervision. Wholesome mental interests are equally important.

When defective children once exhibit their anti-social acts or misbehavior, we should at once analyze the act and having so found the act to be, proceed at once to so guide and advise as to prevent a repetition.

Mental defect is a thing apart and different than mental aberration or disease. In mental defectiveness, the mental machine lacks, *ab initio*,—some parts that are necessary for natural functioning. In mental aberration, the machine is all there, but parts don't work in harmony, or are poorly supplied with force, so that the output is not normal.

Take the case of a child afflicted with some special mental defect. It cannot understand—say arithmetic, is backward in that one study,—can't grasp it; this results frequently in truancy, and the next step is stealing.

We have many border-line cases, mild forms of mental upset or disability, *i. e.*, minor psychoses. These are to a large extent curable in time—with care and patience.

Constitutional inferiors, border-line types because of congenital defects of organization, are unable to cope with work in an adequate way. Organic basis of their trouble is generally shown in some physical defects. Their mental incapacity is shown by their failure to sustain continued effort, their non-resistance to temptation and suggestion, their episodes of temper and irritability and their feeling of inadequacy, which but too often ends with stealing or other delinquencies.

Children with chorea, and epileptic children, *i e.*, victims of faulty inhibition of impulses, lack of normal self-control, abnormal social suggestions, reckless self-indulgences, all these terminate in acts of delinquency, mainly stealing. Certain epileptics consider themselves pariahs and are, therefore, unmindful of results, and are reckless, and go to the bad in like manner. Simple life in the country is claimed to be an excellent remedy for these constitutional inferiors.

Impulses originate from elements in emotional life, that part of our mental being which gives strength and force to our ideas and behavior. The study of the emotional life is probably the most

important chapter in the study of individuality, for not only are the emotions the foundation of all the practical life, but they enter into the abstract, intellectual functions in various ways. This is a subject that is invariably ignored by uneducated and poor parents, and only considered by the best educated parents, who are in the minority. * * *

The vast majority of all instances of pathological stealing are those in which individuals are determinably insane, giving way to an abnormally conditioned impulse to steal. The correlation of the stealing impulse to the menstrual or premenstrual period in woman, leads us to much the same conclusion.

Gudden, who carefully collected a large number of cases of stealing by females, came to the conclusion that most stealings took place in or near the period of menstruation. Most of these females were hysterical; they gave way to some strong and perhaps irresistible impulse which suddenly came to them while they were in the shops. He found no premeditation or designs planned. He says a tendency to steal was subconsciously present and relief sought in action.

So that every important psychological, physiological, pathological and biological act is important. Now if you can also secure past and present data under all of these vital subjects and add to it the anthropometric data, you will be able to quite correctly size up your subject as far as human effort and thought are able to do so.

Sex experiences disturb growing children to a large extent; parents should be ever vigilant and secure the confidence of the child; only in this way, can parents be the means of avoiding disastrous results; parents, if they are intelligent, may talk with their children carefully and guardedly about these matters. The schools ought also to speak and preach these subjects, beginning at the kindergarten, with illustrations from animal and flower life, inculcating in tenderest years healthy thoughts on the subject. This will result in avoiding fifty per cent of childhood unsocial acts. * * *

There is this to be said in favor of the poorer classes,—they are more frank in giving facts, that is, when they are able to give them. The wealthier parent is unwilling at times to confess to facts touching on and appertaining to Wasserman tests, nor admit frankly and spontaneously to earlier or marital or premarital indiscretions and diseases. * * *

Causative factors are rarely, if ever, single. Like gregarians, causative factors are also herded, and come in groups. I doubt whether you can ascribe any one delinquent act to one sole factor; if impelling mental imagery is involved, so is dearth of healthy mental interests and unfortunate early experiences; if mental incapacity is at fault, so is environmental opportunity and defective parental guardianship. It should hardly be necessary to say that this complexity of causation is important in considering treatment.

Not only do we not know what were the propelling or compelling forces that brought about the pilfering act, but the offender himself

doesn't know. The existence and subsistence of these virile underlying forces challenges consideration, but indicates nevertheless, what tremendous possibilities there are or may be for prevention and treatment, the moment we become aware of them.

We cannot always expect the parent or guardian to dig up these causes. It requires more than the ordinary knowledge of child and of child life to be able to do so. What would otherwise be a very intelligent parent, knows nothing of the psychology of childhood.

Some parents are continually saying "don't" to a child. Parental repressions have their aftermath, for as soon as the child gets out in the street, those dynamic forces that are repressed in the home, burst out in greater violence, either as play or misdirected play,—for such most stealings are,—simply because the parent has done as badly as the law itself. And only too often has the parent or guardian come into court and made the complaint, saying, "I am done with him (the child), I have had all the patience possible but he (or she) wears me out."

What has he done? Then follows the various childish pranks which ends up with "he stole two dollars from my pocketbook yesterday and went with children to the movies and bought candy and the like." Never any idea of harking back to primal causes, and for constructive elements of treatment. The Probation Department and the Big Sisters and Big Brothers most frequently give the child its first lessons in self-control, which the parent should have instilled.

There is the indifferent parent who looks upon all the acts done by her child as "mischievous pranks"—acts not to be considered seriously, and the neurotic parent who constantly worries over the merest childish prank. Between the two there is a happy medium which I have liked to see obtain.

I have had mothers go into hysterics when a child was arrested with other children who had stolen, the mother then believing her child was an irretrievable criminal. Their gregarious acts are frequently a love of adventure; it is difficult to persuade the mother that it was a very normal impulse carried too far.

There is no point of greater value for those who study or intend to study delinquency than to keep in mind that all conduct, including misconduct, is the direct outcome of mental processes. This must be accepted as axiomatic. In its simplest or physiological terms, conduct may be defined as motor response to orders received from cerebral centers.

I do not mean to say that all conduct or behavior is consciously controlled from the brain. It may be done subconsciously, but some sort of mental process directly originates and rules every bit of conduct.

Therefore, when we come to study the case before us, we ask ourselves this question,—"What kind of a mentality is here presented?" and "What is there in this mentality that causes stealing tendencies?" Having ascertained the causative factors, we can then apply remedial measures to change, alter or modify the most immediate causal agency.

We may have had a child under our parental care for years and it is not until some exceptional act is committed by it that we receive our first intimation of the real child and if we think then that we know all about the child, we will find, upon scientific investigation, combined with all the facts and histories required to make analysis, that we really did not know the child at all. The mere fact that he or she acted well in our presence does not only not explain anything, but proves to us all the more certain that superficial and external action amounts to very little.

Remember this, however, that all delinquencies are neither abnormal nor subnormal—indeed, some are normal individuals—and some particularly intelligent children. * * * The aberrational, the defective, the feeble-minded, the atypical child, those are the types that give us the most delinquents in various degrees of delinquency—their retardation and instabilities are resultants. The pre-adolescent and adolescent only add to the numbers.

The age of normal development is one depending on innate mental abilities, or home teachings and discipline, and home conditions and associations. All this must be considered when considering age factors in the development of moral traits.

If a child is taught properly at home and correctly disciplined as to its rights and the rights of others, including property or possessory rights, stealing to a very large degree will be averted. I find that parents do not talk to their children about these things at all, they expect them to know it naturally, but they do not, and left without instruction and discipline, they are or become delinquent,—it is the early primitive state. Discipline means repression and without that we would all be unsocial,—and discipline should be taught from earliest infancy.

Another important thing about possessory rights is that in order that the child shall not covet its neighbor's property, it should be given articles over which it should have control. We appreciate that important point in orphan asylums, when we give each child his individual lockers and we find that that has stopped stealing, entirely. Each child has his own toys, bags, books, pencils, paper and the like, and each is a monarch unto himself—hence, comes the feeling of self-respect and self-confidence that comes with individual possessions and ownership, which brings in its wake dominion and authority to control one's own property. This meets the sense of acquisition which is the causative factor frequently in wrongly taking things.

Parents make as excuses for omission to give proper supervision ranging from "social duties" of the better class, to necessary daily employment of the working class, etc. In most of the cases coming before us of grown boys and girls who steal, there was an absolute lack of confidential relations between the father and son, the mother and daughter.

As a causative factor of dishonesty or stealing, we have found that parents quarreling with each other in presence of their children, using bad language and nagging and assaulting each other, creates

in children most frequently anti-social reactions. The child, finding home conditions unhappy, seeks companionships which prove unfortunate, or mixes up with gangs, and such associations wind up in pilfering. Of course, if we inquire why parents quarrel or nag, the answer may be poverty, overwork, drinking, mental and physical disabilities of parents, and members of the household, and so forth. Drinking parents are a preponderant cause for delinquency of children. * * * There are cases where children grate upon the nerves of their parents because of their wilfulness, or because of innate temper. Unless parents are patient and fully understand how to wisely meet the situation, the parental relation is soon broken, with the result that the child finds a vent in anti-social acts.

What I have maintained as to the results of poverty, lack of parental companionship, immorality and intemperance and other improper conditions of home and parents, have their immediate effect upon the mentality of the child. There is also a deprivation of youthful mental interests in such homes and this results in seeking an outlet for the child's thoughts and dreams and ideals and interests, and most frequently the search leads to evil associates. A good home environment would have thwarted it. A careful parent, with proper supervision, would have saved the child. The lack of it has produced baneful consequences. These big backgrounds, the *genre* to the picture, involves profound psychological considerations.

I have seen some of the best children spring from the very poorest of families. You know only too well that some of the greatest men and women in the world came from the poorest of the poor levels. Can you not reconcile this with the larger amount of delinquencies as we find them coming also from poor families? The answer is that in the former cases there is some one who is the right sort of guardian who is either kindly firm or strictly a disciplinarian of the right sort, or there is an abundance of innate goodness in the child, and hence good results.

It is a fact that there are also very serious cases of stealing in excellent homes, homes of the well-to-do, but they rarely reach the Children's Court. They are kept quiet, and treated by the family, and hence, we have very few of such cases to consider. * * *

Many parents do not think it important to take a personal interest in the doings of their children. Many do not know what their children are doing, or where they go or with whom they associate, and when they do know with whom their children associate, they know it superficially, never carefully inquiring as to who the boys and girls really are, their family standing, nor their morals. Hence, it is that parents are amazed when they learn that their child's companion has been the person to inveigle ***their*** child into evil doing.

Again, many, in fact too many parents labor under the delusion that their child is taught all it needs to know in the public school,—ethics and good morals. No greater error could be made; home is the place where the real things in life should be taught; the things that count, the things that in the final analysis are the greatest

things in the world. But it is kept away from the child both in the home and in the school and the child grows up in absolute ignorance of the vital things of life. The great danger is that children learn things clandestinely, whispered by their school or street companions, and learn them from an impossible and perverted angle, conjuring up in their immature minds, crooked and misshapen pictures, which have their immediate and lasting impressions and work out horrors unspeakable. And parents often find this out, when it is too late. Parents should talk to their children about themselves, about eugenics, hygiene and sanitation; and ***the things they ought to know***, concerning their own growth and development, should come from parents' lips, as a holy message to the child and in such a manner that it will grip the child tensely, understandingly; and the child will then grow up to know great truths, which concern not only its health but its very existence; and these great truths are, as I have said, kept from them, and children are permitted to grope in the dark, until they stumble and fall,—then, and only then are these great truths revealed,—but often too late to make amends.

There is another generous source of delinquency, which has its outlet in stealing, and that is the "gang." A boy may be individually a very good boy, but the moment he goes out with a gang, he becomes a different child as far as conduct or behavior is concerned. He follows the crowd. He doesn't want to be called a coward, or a slacker, so he becomes suddenly brave, and what the crowd does, he does. If they break in and steal, or in fact do anything that savors of adventure and involves risk and daring, he follows the leader. And there is always a leader. Here is an unguarded stand, poorly locked, the gang sees candy and cigarettes galore; there is a mob-spirit of excitement, of adventure, and involved plunder. What is more delightful for a boy full of health and energy to anticipate, than to possess all the chocolates he can eat, and all the smokes he can puff! Some of these boys may never have done a delinquent act before, generally one or more of the gang have. The good boy involved is our greater problem.

Some of these gang boys are the pictures of innocence. Wrong as their acts are, it can hardly be said that they savor of the intent and spirit of criminality. As most of these gregarious children are not usually arrested on their first escapade, and sometimes not until several places have been broken into and larcenous acts committed, it is interesting to behold how the childish face with apparent innocence, takes its first arrest. It seems as if the child just woke up to an understanding of the seriousness of its act, when jolted by the police arrest. Before that, all was "bully good fun." We have gangs of boys meeting in cellars and other appointed places and planning stealing worthy of a Captain Kidd. Often bringing the proceeds of thefts to these cellars and holding glorification meetings and dividing the loot; the one consoling thought about it all is that these meetings never last long, and after a period of two or three weeks, the gang is rounded up by the police and judgment and penalty follows.

There are many causes for children herding together. Primarily, as I have said, they each have more "sand" when together. Upon the theory probably that in unity there is strength; there are, however, other bonds of sympathy. Only too frequently there are personal habits of Onanism, or personal vice, taught to one another, which takes a strong hold of the pre-adolescent and adolescent child and which bind them together like members of a secret order, and which bond it is very difficult to break. There are cases where stealing and sex affairs go hand in hand. In all these cases, there must be a breaking up of the gangs by creating a parting of the ways. Removal of each to far distant points, stricter supervision and discipline, new mental and physical interest, intervention of the Probation Officer, Big Sister or the Big Brother, or a Church representative, or Boy Scouts, or Camp-fire Girls, and the like. * * * Ignorance, indifference, inefficiency, incompetency, intemperance, irreligiousness, immorality and mental defectiveness of parents are more frequently the major causative or proximate factors, and it has its source also in the neglect of parents to supervise the educational, religious and social interests of the child.

Here are a few causes why little girls steal:—"The other girl with whom she associates, spends money and treats and she doesn't want to be always treated, and she craves to treat also." "The other school girl dresses better and she craves to look 'stylish.'" "Other children buy things for teacher, why not I?" The family, perhaps, has become financially embarrassed, or the breadwinner gets sick or dies, and the child can no longer dress as well, and feels chagrined at shabbiness of her clothes, and craves for dress.

I had two lovely little girls before me in the Bronx. Their mother had recently died and she was in the habit of constantly buying for her little girls ribbons and finery of every kind. They missed the mother's loving-kindnesses. They both walked into a department store in the Bronx. The elder girl, 13 and her sister 11. The elder had a large bag (knitting bag), instead of it being used for patriotic purposes, it was now to be used for misguided ones. The 13 year old took 22 articles from various counters, before she was caught.

I haven't spoken about children who are acting under guidance or control of adults, who are either teaching, or using them to steal. These are very difficult cases to overcome. Even after the adult is arrested and convicted, the lessons taught have but too firmly become implanted. These cases require the intervention and supervision of Big Sisters and Big Brothers, the bringing in of all social and religious activities plus the probation officers, the jacking up of parents and guardians, and the strictest possible vigilance as the price of safety,—and not even then are we always successful. For when adults have been concerned, the adult has also usually taught secret vices, and this has resulted in the general breakdown of willpower in the child, so that indescribable patience are required for an indefinite length of time to bring the child around to anything like its former self.

Another causative factor of delinquency that terminates in stealing is bad companionship, engendered in the school or the street. Here children are thrown together promiscuously, the good child, sitting next to the bad child brought up by low grade, incompetent and inefficient parents and in bad environment, with home conditions zero. This bad child not infrequently drags down the good child. Of course, these bad social and material home conditions ought to be known to the school teacher, but she is ignorant of them. If she knew, she might be able to warn the good child. If the school made an intensive study of home conditions, as it should do, she, the teacher, would be a great factor in the social world. But the teacher gets paid for teaching, and teaching she does and there it ends. High-class social workers, thoroughly experienced in this particular work, should be an important adjunct of the public schools everywhere.

The good child, ignorant of social life and its conditions, is as I have indicated, often ensnared without warning or knowledge, and is only too often the victim, innocently, of its school environment and conditions. * * *

The subject of discipline is one that requires the most careful thought. Some children are straight, and keep going straight because of the proper discipline at home. Some children, however, with strictest possible supervision at home, go wrong because the discipline was too strict. A little more leeway in that case would have saved the child. There are children who require really little or practically no discipline and turn out to be first-class children. In the latter class, I should say, the parents were of good stock and the child's heritage healthy blood and a clean mind. Such children are rarely contaminated. They are real Oliver Twists. Did you ever read Michael O'Halleran? He was surrounded by poverty and evil; he went through that like a streak and came up better because of it. Of course, this type of child, unfortunately, is not as numerous as it might be. I could mention very many boys who grew up with me and many of later generations, who lacked home discipline, whose fathers seemingly were very ordinary men, but whose sons turned out to be not only fine boys, but exceptional men. I have often thought if some of those boys had been over-disciplined, would they have done as well, or gone wrong? Some children improve under corporal punishment and some become anti-social in consequence. And the reverse holds good. Some children grow up a credit to themselves, their families and their country, who were never whipped but only punished by admonition or moral suasion.

It is up to the parent or guardian to study the child and to know what works best. Kindness and moral suasion, or a good licking? One must understand the child before punishment is inflicted, each case must be admeasured according to its own needs. What is the proper punishment and when the proper time to administer it, requires thought, and careful consideration.

One might say of a chronic thief that had there been early in his delinquent career, adequate juxtaposition of the concept of suffering

with the concept of stealing, these two elements of his mental content, by virtue of the laws of mental association, would on occasion have reproduced themselves in their original logical relationships and prevented the development of his career of misbehavior.

It has been said that defectives remember best the fact that punishment was inflicted immediately after an overt act is committed by it, and this frequently results in deterrent impulses.

This all brings uppermost the fact that the essential value of discipline is really psychological, and should be based upon what is known as the "laws of mind," and if this is so, as I believe it to be, then misbehavior should be met by prompt action, and often sharp discipline in the first instance.

I often insist on restitution as a possible preventive in cases of stealing, and if immediately imposed after the act of delinquency is committed, makes both the child and the parent take a serious interest and aspect of the delinquent act, and it invariably works like a charm. * * *

To obtain money for the cinemas and amusement in public places, is also a causative factor in stealing. While this fact is mostly in evidence among the poorer class, there are some cases among the better class. The bright lights, the Ferris wheels and the many ways and avenues for spending money will always be inordinately attractive to children, who respond to the irresistible cravings for them, by dishonestly obtaining moneys. A concomitant to these situations is that children thus craving amusement, will not go to school, become truants, and the decline sets in.

Another causative factor in stealing is nomadism. A sort of wanderlust. This is one of the things that it is difficult to explain. But the child wants to roam, he don't know why, but he starts out for nowhere, is gone for days and weeks, family disturbed, and an alarm sent out. He is found in some out-of-the-way place, having suffered all manner of privations and hardships, sleeping in cellars, barns, unoccupied houses, hallways or in wagons and even stables; anywhere but in a bed at home. If asked why he did it, no satisfactory response is given. Of course, behind this is again a big background where looms up mentalities, home conditions heredity, and so forth. * * *

We all know how great a part habits, mental and physical and social, have on our lives as adults, but we are prone to forget that habits are formed in earliest childhood. Some we lose, but some stick to us through life, becoming more pronounced and settled as the years go by. We should, therefore, realize that the chance of the child's refraining from misconduct may depend in great measure on how much some underlying habit has been discovered and controlled.

It is certain that one responds to a habit formation as he has responded before. Altogether it stands out clearly that a reactional response once made, stands a better chance of being repeated than had it never before occurred. It is well to remember, however, that the law of our being acts oftener for good than for evil. It is a fact well known to psychologists that any mental reaction that occurs

with an extra amount of force is very likely to recur. Now this fact has particular importance and significance for students of delinquency, because the original idea of stealing, for instance, nearly always is accompanied by emotions of various kinds that give it, for the individual, an undue significance. On account of this, from the time of such a first experience, the idea of stealing may be brought into mental life with the greatest alacrity. In exaggerated cases, the idea recurs with such unfortunate frequency and vividness that it becomes, for the individual, an obsessive mental habit.

We should judge that this is the mental mechanism in some of the well-marked cases of habitual stealing we have noticed from time to time, when it appeared as if the delinquent was hardly able to prevent the idea of stealing following on the slightest excuse in the way of an opportunity. It may be popularly said that stealing is the result of bad habits. I grant you this is quite correct. But I must dilate for a moment on what are bad habits.

Bad habits are either mental, physical or social, although mental and physical are so entwined that it is difficult to analyze each separately. Perverted mental processes are primarily the greater and stronger factors. Sometimes they have their origin in cinema pictures, another time in other pictures shown clandestinely by children to children; another time the child has seen its mother go to father's trousers and abstract money; another time one boy has told another how he gets his pilfered pennies and this brings to the mind of the child pictures and impressions and imageries that quickly find their terminals in stealing, and the habit once obtained, goes on until the child is caught, and frequently thereafter. Sometimes a child will himself try to break the habit and succeed for a time, but something turns up which touches that electric spark that prompts him to repeat predatory habit.

Physical habits may be called psychological habits but whether physical, mental or social, it seems to me the immaturity of the nervous system during childhood brings about an excessive and perverted response to these habits. * * *

I hasten to turn to other questions that I must dwell upon and only say that it is most dangerous to allow children, and particularly girls, to drink any liquors or even beer, as under its stimulus, children lose the little control and will-power, they may have, and most unfortunate results occur. * * *

As to sex habits, I cannot speak as plainly as I would like. The cases that unfold from day to day in our Court gives me, however, the right to say that one of the major causes of delinquency is secret sex habits and practices, plus sexual habits with children of the opposite sex, with a sprinkling of homo-sexual practice, too dreadful to dwell upon, all of which formulate anti-social acts which frequently result in stealing. Sometimes to obtain money to satisfy individual desires, sometimes to buy baubles or to treat the opposite sex, or to dress well to make good impressions on the opposite sex, and the like.

These practices lower or deplete or put below par the nervous

system, so that inhibitions are weakened and conscious will-power is gone, or vitally lowered.

Normal interest in ordinary childhood activities that keep the mind of the child occupied, no longer continue where a child has any of these perverted sex habits, because lassitude sets in, and in the place of a clean, interested mind, which is the greatest safeguard of childhood, we have those weak lines of least resistance which turn instinctively to stealing and the like. Very often at that moment the child craves for stimulating excitement and amusement, and this is satisfied by cheap theatres, picture shows, cigarettes, excessive candy eating and the like.

It is dreadful to contemplate what a vast number of children practice these habits in their earliest childhood, *i.e.*, 3 years in one case, and no age is free of it. It affects childhood like a blight. Not infrequently we find two or more children stealing, *i.e.*, burglarizing and upon investigation have found that the bond of sympathy that holds them is not so much the habit of stealing, as the sex habit or practice.

Generally speaking, at times, physical conditions are at fault and may be remedied by the physician, while in the greater number of cases it is the mental life that must be altered. * * *

I will now pass on to the tobacco habit. I believe the use of tobacco is a partially causative phenomenon. The child may become so run down physically and mentally because of the excessive use of tobacco, that the nervous system so easily strained in early childhood, permits of less resistance to many kinds of temptations, including stealing. There are many cases where children steal to get money to purchase tobacco and these habits gradually but surely lead to others. The habit should be broken up as soon as it is discovered. Smoking by the adult, or adults of a family has been an example for evil, and has accelerated this pernicious habit in the small children. * * *

The use of drugs is another causative factor in stealing. Here and there a case is found where a derivative of opium is used. Sometimes it began with the boy being used as a messenger to deliver the drug. Sometimes it is the action of a gang or some member of it, sometimes an adult member of the family is an addict, and sometimes the child is taught and induced to use the drug by the adults for whom he is delivering it. * * *

Excessive coffee or tea drinking by children is distinctly conducive to delinquency. It is said that coffee and tea exert a greater ill effect than tobacco, in the formation of stealing habits. One should also take into account the fact that nerve cells in young beings are in a much more excitable condition than at a later stage, and are considerably much more influenceable by such stimulants as coffee and tea.

Now the child whose parents are at work during the day and is left to his or her own devices, the coffee pot on the stove all day, results in the child becoming an excessive coffee drinker. We find him a rather nervous little fellow who dislikes school, plays truant,

and finally steals to get money for his nervously excited desires and illicit enjoyments.

All these bad habits are possibly resultants from highly strung, nervous temperaments, induced or superinduced by factors herein referred to.

Defective conditions of the nervous system produced by bad habits tend toward the products of delinquency. When the functions of the central nervous system are disordered, there ensues many reasons why delinquency may partially result.

The efficiency of the human individual, as I have often said, is largely to be gauged in terms of integrity of the nerve cells and of nerve conduction apparatus. This efficiency to some extent includes the basis for good moral tone. The imperfectly functioning nervous system gives abnormal opportunities for the activity of unusual desires and impulses, and lowers the powers of resistance.

Now you see how subtle and complex these backgrounds of juvenile delinquency are; add to all this the result of your Wasserman test and you have food for thought that will grip you awhile.

Some other causative factors which aim straight toward delinquency are epilepsy, deafness, stammering, chorea (St. Vitus dance), defective or diseased conditions of the bladder, poor eyesight and bad teeth. These conditions frequently cause backwardness in class work or failure in class work, irritation and dissatisfaction, and lead to truancy, then bad companionship and then stealing and other delinquencies.

Over-development and premature development are causative factors which tend toward delinquency. If the child possessed of superabundance of energy, lives in an environment that cannot provide material proportionate to his needs, the reaction may be delinquency. Premature puberty, brings about any number of sex offenses, is another causative factor which brings about anti-social misbehavior. * * *

The boy who starts the day, after a night spent in a bedroom where he breathed in all night, air deficient in oxygen, is prone to be more susceptible to be led into wrong doing than the boy who is fit, and up to the mark.

Thieving, immorality and drunkenness in the home invariably to result in juvenile delinquency of children who have the misfortune to dwell therein. Also where parents are careless or indifferent to their community responsibilities; where they borrow money and articles which they neglect to return, fail to pay their debts and rent, or engage in improper or illegal businesses, etc. The examples set have their reaction in juvenile delinquency. * * *

The schools should be the fountain head for social work. They are the places where the conditions can be first ascertained, and through the agency of the schools, these mal-adjustments can be best rectified in the first instance. Of course, other agencies can and should be brought in. * * *

Remember that in adolescence, there is an awakening of apperceptive qualities, and the child absorbs the unusual and improper

frequently quicker than the good and moral and commonplace—hence, parents must be unusually vigilant to prevent by their acts, like conduct by imitation on the part of their children. * * *

I should say more religious teachings at home and in the Sunday School, more healthy, recreational activities, a settlement house in every four or five blocks, community centres on every square block particularly in the congested neighborhoods, more young men's associations of the various creeds, more parks, more vigorous play, more athletics, (*i.e.*, football, basket and hand-ball, running and jumping); more clean and healthy cinemas, with the right kind of child pictures, eliminating pictures that excite children to predatory acts, fighting, shooting, stealing and the like; books for children that will impress and inspire them with proper child thoughts, imageries, ideals and standards; taking children out in groups to learn Mother Earth and Dame Nature; music of the right sort, and songs with words that bring home moral lessons, more vocational and prevocational schools; physical mental and social records of each child kept, and begun with its entrance into the kindergarten and kept up throughout school life; constant medical supervision; instruction in eugenics, hygiene and sanitation; the Ettinger modified system of work, study and play for school children; constructive character building in the public school; public lectures to parents on character building and discipline; this would result in swinging the child around and away from the shoals and rocks of destruction as a pilot swings his ship.

We should teach the child more of duty to God and the duty toward one's neighbors. Those children who are brought up in the fear and love of the Lord and are taught to do and to act toward all men as they would have them do and act unto it, and taught truth and justice in all their dealings; and their heads and hands so taught and hearts disciplined that the head thinks right, cleanly and morally; the tongue speaks no evil; the hands refrain from stealing and doing wrong; and the heart pulsates to righteous action and living—when this is all done, stealing and juvenile delinquency will cease to loom up as that big, serious growing problem it is to-day.

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